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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,) No. CR 09-00717 RMW
14 Plaintiff,) STIPULATION AND []
15 v.) ORDER TO EXCLUDE TIME FROM
16 MARIA GUADALUPE BARBOSA,) FEBRUARY 13, 2012, THROUGH
17 Defendants.) MARCH 19, 2012 UNDER THE SPEEDY
TRIAL ACT (18 U.S.C. §§ 3161(h)(2),
(h)(7)(B)(iv).
18

19 On February 13, 2012, the United States, through its counsel, and defendant Maria
20 Barbosa, through her counsel, appeared before the Court for a status hearing in the above-
21 referenced matter. With the agreement of the parties, the Court continued the hearing until
22 March 19, 2012, to allow the U.S. Pre-Trial Services Office to determine whether defendant is a
23 suitable candidate for its diversion program.

24 The parties hereby submit this written request for an order finding that the time from
25 February 13, 2012, through March 19, 2012, is excluded under the Speedy Trial Act, 18 U.S.C.
26 § 3161, for the purpose of allowing the defendant to demonstrate her good conduct. 18 U.S.C. §
27 3161(h)(2). Further, the failure to grant such a continuance would unreasonably deny counsel
28 for

1 defendant the reasonable time necessary for effective preparation, taking into account the
2 exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

5 DATED: February 13, 2012

MELINDA HAAG
United States Attorney

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7 EUMI L. CHOI
Assistant United States Attorney

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10 PETER LEEMING, ESQ.

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12 **ORDER**

13 Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY
14 ORDERS that the time from February 13, 2012, through March 19, 2012, is excluded under the
15 Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the time is properly excluded for the
16 purpose of allowing the defendant to demonstrate her good conduct. 18 U.S.C. § 3161(h)(2).
17 Further, the ends of justice are served by taking such action and outweigh the best interests of the
18 public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The failure to grant such a
19 continuance would unreasonably deny counsel for defendant and the Government the reasonable
20 time necessary for effective preparation, taking into account the exercise of due diligence. 18
21 U.S.C. § 3161(h)(7)(B)(iv). The Court therefore concludes that this exclusion of time should be
22 made under 18 U.S.C. §§ 3161(h)(2) and (h)(7)(B)(iv).

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24 IT IS SO ORDERED.

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26 DATED: HDG

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RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE